

April 28, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KAREN MITCHELL
CLERK, U.S. DISTRICT
COURT

UNITED STATES OF AMERICA

CRIMINAL NO. 3:20-CR-283-N

V.

PHILIP RUSSELL ARCHIBALD (01)

SUPERSEDING INFORMATION

The United States Attorney for the Northern District of Texas charges:

Count One

Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance
[21 U.S.C. § 846 (21 U.S.C. § 841)]

Between on or about January 1, 2018, and on or about June 8, 2020, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Philip Russell Archibald**, knowingly and intentionally combined, conspired, confederated and agreed with other persons known and unknown to the Grand Jury, to distribute and possess with intent to distribute a Schedule III controlled substance, to-wit: anabolic steroids, as defined in 21 U.S.C. § 802(41), and in violation of 21 U.S.C. § 841(a)(1).

All in violation of 21 U.S.C. §§ 846 and 841(b)(1)(E)(i).

Count Two

Possession with Intent to Distribute Controlled Substance
[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

On or about May 31, 2019, in the Dallas Division of the Northern District of Texas, the defendant, **Philip Russell Archibald**, did knowingly and intentionally possess with intent distribute a Schedule III controlled substance, to-wit: anabolic steroids, as defined in 21 U.S.C. § 802(41).

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(E)(i), and 18 U.S.C. § 2.

Count Three

Use of the Mail in Causing or Facilitating a Controlled Substance Offense
[21 U.S.C. § 843(b) and 18 U.S.C. § 2]

Between on or about May 31, 2019, and on or about June 3, 2019, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Philip Russell Archibald**, did knowingly and intentionally use a communication facility, the United States Mail, in committing, causing and facilitating the commission of any act or acts constituting a felony under 21 U.S.C. § 841(a)(1), that is, the offense set forth in Count Two of this Superseding Information incorporated by reference herein.

All in violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count Four

Possession of a Firearm by a Prohibited Person
[18 U.S.C. § 922(g)(3)]

Between on or about May 30, 2020, and on or about June 8, 2020, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Philip Russell Archibald**, knowing that he was an unlawful user of a controlled substance as defined in 21 U.S.C. § 802, did knowingly possess, in and affecting interstate and foreign commerce, firearms, to-wit: the Sun City Machinery Co. Model Stevens 320 12-gauge shotgun, bearing serial number 133766K; and the Smith & Wesson M&P Shield EZ 380 caliber handgun, bearing serial number RDN0810.

In violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2).

Count Five

Possession with Intent to Distribute Controlled Substance
[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]

Between on or about May 29, 2020, and on or about June 8, 2020, in the Dallas Division of the Northern District of Texas, the defendant, **Philip Russell Archibald**, did knowingly and intentionally possess with intent distribute a Schedule III controlled substance, to-wit: anabolic steroids, as defined in 21 U.S.C. § 802(41).

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(E)(i), and 18 U.S.C. § 2.

Count Six

Use of the Mail in Causing or Facilitating a Controlled Substance Offense
[21 U.S.C. § 843(b) and 18 U.S.C. § 2]

Between on or about May 26, 2020, and on or about May 29, 2020, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Philip Russell Archibald**, did knowingly and intentionally use a communication facility, the United States Mail, in committing, causing and facilitating the commission of any act or acts constituting a felony under 21 U.S.C. § 841(a)(1), that is, the offense set forth in Count Five of this Superseding Information incorporated by reference herein.

All in violation of 21 U.S.C. § 843(b) and 18 U.S.C. § 2.

Count Seven

Conspiracy to Possess with Intent to Distribute a Controlled Substance
[21 U.S.C. § 846 (21 U.S.C. § 841)]

Between on or about March 1, 2020, and on or about June 8, 2020, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, **Philip Russell Archibald**, knowingly and intentionally combined, conspired, confederated and agreed with other persons known and unknown to the Grand Jury, to distribute and possess with intent to distribute a Schedule II controlled substances, to-wit: Amphetamine (Adderall), in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

All in violation of 21 U.S.C. § 846.

Count Eight
Interstate Transmission of Threatening Communications
[Violation of 18 U.S.C. § 875(c)]

Between on or about May 28, 2020 and on or about May 31, 2020, in the Northern District of Texas, the defendant, **Philip Russell Archibald**, did knowingly transmit in interstate commerce a communication containing a threat to injure the person of another, with knowledge that the communication would be viewed as a threat, to wit: using a social media platform to post “Get off the [. . .] internet go shoot pigs; using a social media platform to post a video directing others to travel to St. Paul and Minneapolis, Minnesota, “bring heat,” organize and use “guerilla warfare,” and send “QRF” to Minnesota; and sending text messages to third parties identifying an individual as a leader of a group and sending texts about the individual stating, “We are gonna kill him” and “We are gonna cut the head off the snake.”

All in violation of 18 U.S.C. § 875(c).

Forfeiture Notice

[21 U.S.C. § 853(a); 18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c)]

The allegations contained in Counts One through Seven of this Superseding Information are hereby realleged and incorporated by reference for purpose of alleging forfeiture pursuant to 21 U.S.C. § 853(a), and 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon conviction for any of the offenses alleged in Counts One through Three and Five through Seven of this Superseding Information and pursuant to 21 U.S.C. § 853(a), the defendant, **Philip Russell Archibald**, shall forfeit to the United States of America any and all property, real or personal, constituting or derived from, the proceeds obtained, directly or indirectly, as a result of the respective offense; and any property, real or personal, used or intended to be used, in any manner or part, to commit or facilitate the commission of the respective offense.

Upon conviction for any of the offenses alleged in Counts One through Four of this Superseding Information and pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the defendant, **Philip Russell Archibald**, shall forfeit to the United States of America any firearm and ammunition used or involved in the respective offense.

The property subject to forfeiture includes the following:

- a. Sun City Machinery Co. Model Stevens 320 12-gauge shotgun, bearing serial number 133766K;
- b. Smith & Wesson M&P Shield EZ 380 caliber handgun, bearing serial number RDN0810;

- c. Matrix Aerospace Corporation Model MA-15 rifle, bearing serial number 556-05795;
- d. Nodak Spud NDS-3 rifle, bearing serial number M003245;
- e. Assorted shotgun shells;
- f. 5.56 ammunition;
- g. 380 caliber ammunition;
- h. 7.62x39 ammunition; and
- i. Any firearm magazines.

If any of the property described above, as a result of any act or omission of the defendant cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

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